

REMARKS

Claims 1-20 are pending. Claim 1 is amended and claims 3-6 are canceled without prejudice or disclaimer of the subject matter contained therein. New claim 48 is added. Claims 21-47 were previously presented in a Preliminary Amendment dated May 4, 2004. However, the Office Action failed to address these claims. Therefore, Applicants request that the United States Patent & Trademark Office issue another non-final Office Action to address claims 21-47.

The drawings are objected to for failing to comply with 37 C.F.R. § 1.84(p)(4). Applicants corrected a typographical error in paragraph 17 above, obviating the objection. The drawings were further objected to because the Examiner found Figure 3C to be of insufficient quality. The replacement sheet provided herewith replaces the originally-filed informal drawing of Figure 3C with a formal drawing.

Claims 1-10, 16-18, and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Carson (U.S. 5,931,862). Claims 1-10, 11, 16 and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Krall et al. (WO 02/089909 A1). Claims 1-5 and 16-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Belden (U.S. 6,847,845). Claim 1 is directed to medical system including a porous layer comprising one of a porous silicone layer and a sheet of collagen fibers formed over a second electrode. Claim 20 is directed to a medical system including means for preventing a second electrode from stimulating tissue in proximity to the second electrode.

Carson discloses a continuous sheath of open-celled porous plastic used on the outside of a medical lead chosen with a pore size to allow defibrillation energy delivery through it. Krall discloses an implantable electrode provided with a thin, porous, wettable polymeric covering which allows electrical discharges to be transmitted. Belden teaches a connection system for a multipolar lead. The

lead includes a shocking electrode, which may be encased in a layer of porous PTFE, for delivering defibrillation shocks. None of the cited references teach or suggest, alone or in combination, a porous layer being one of a porous silicone layer and a sheet of collagen fibers as stated in claim 1. Furthermore, none of the cited references teach or suggest, alone or in combination, means for preventing the second electrode from stimulating tissue in proximity to the second electrode as stated in claim 20.

Claims 11-15 and 19 stand variously rejected under 35 U.S.C. §103(a) as being unpatentable over Carson in view of additional references. None of the cited references remedy the deficiency relating to providing a porous layer being one of a porous silicone layer and a sheet of collagen fibers as stated in claim 1. Furthermore, none of the references remedy the deficiency relating to means for preventing the second electrode from stimulating tissue in proximity to the second electrode as stated in claim 20. Given these deficiencies in the cited references, withdrawal of the instant rejections and issuance of a Notice of Allowance is well justified.

Respectfully submitted,

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Date

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